

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

5/23/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 00-00444SOM  
CASE NAME: USA vs. (02) Andrew H. Burton, Jr.  
ATTYS FOR PLA: Thomas Koenig  
ATTYS FOR DEFT: 02 Loretta Faymonville  
Merilee Lau (USPO)

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JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	5/23/2006	TIME:	1:30 - 1:45 1:55 - 2:15

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COURT ACTION: EP: Order to Show Cause Why Supervised Release Should Not Be Revoked -

Defendant (02) Andrew H. Burton, Jr. present and in custody.

Defendant admits to all 6 violations.

Court finds that there is sufficient evidence to support all violations and the defendant has not met the conditions of supervised release.

Supervised Release is revoked.

Court takes a recess in order to confer with the USPO.

Discussion held re: options available to the defendant.

ADJUDGED:

Imprisonment: 8 Months.

Supervised Release: 52 Months.

Fine: \$1,500.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter. The defendant to submit up to a maximum of one valid drug test per day as directed by the Probation Office.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the fine of \$1,500.00 is due immediately, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Defendant advised of his right to appeal.

Discussion held re: whether or not the defendant's money that will be deposited into his account at FDC can be applied towards payment of the fine - objection by the defendant.

Court amends the condition of supervised release re: the fine as follows:

That the fine of \$1,500.00 is due immediately except that the defendant may use the funds that he presently has for his personal needs while he is incarcerated. Any remaining balance that remains owing when the defendant is released from confinement shall be paid using amounts that the defendant has in his prison account. If the defendant does not have enough to clear the fine, then any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.